

petitioner
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Civil Procedures. 8/19/05

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

U.S. DIST. COURT EAST DIST. WISC. FILED
AUG 19 2005
AT _____ O'CLOCK _____ M SOFRON B. NEDILSKY

ELLIOT RAMONE MADDOCK,

Petitioner,

v.

Case No. 04-C-0768

DAN BENIK, Warden,
Stanley Correctional Institution,

Respondent.

ORDER

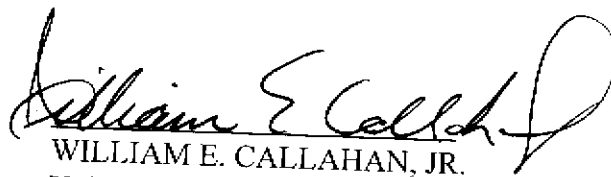
Proceedings in this habeas corpus action were stayed on October 25, 2004, because the petitioner, Elliot Ramone Maddock ("Maddock"), had not exhausted his state remedies for at least one of the claims presented in his habeas petition. At that time the court ordered Maddock to advise it if he intended to pursue his state court remedies, or if he wished to withdraw his unexhausted claims from his federal habeas petition. On December 13, 2004, Maddock advised the court that he intended to pursue his state court remedies and that he had filed a petition for writ of habeas corpus in the Wisconsin Court of Appeals. The court now orders Maddock to advise it, on or before September 30, 2005, of the status of his proceedings in the Wisconsin state courts.

Furthermore, on October 18, 2004, Maddock filed a motion entitled "Motion to Challenge the Completeness of the Record on Return of Petitioner's § 28-2254 Petition for Habeas Corpus." (Dkt. 10) That motion is hereby denied without prejudice. Maddock may renew his motion, if he so chooses, when the stay in this matter is lifted.

NOW THEREFORE IT IS ORDERED that on or before September 30, 2005, the petitioner shall advise this court as to the status of his proceedings in the state courts;

IT IS FURTHER ORDERED that the petitioner's "Motion to Challenge the Completeness of the Record on Return of Petitioner's § 28-2254 Petition for Habeas Corpus" (Dkt. 10) be and hereby is **DENIED WITHOUT PREJUDICE**.

SO ORDERED this 19th day of August 2005, at Milwaukee, Wisconsin.


WILLIAM E. CALLAHAN, JR.
United States Magistrate Judge